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LETTER DATED 19 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 19 October 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, containing details of actions and behaviour involving the use of force by the United States of America against Iraq's sovereignty, national security, territorial integrity and political independence, in flagrant violation of the Charter of the United Nations and of every norm of international law. The letter requests the Security Council to ensure that the United States of America bears full international responsibility and incurs the penalties for these illegitimate and illegal acts.

I should be grateful if you would have this and its annex containing the letter from the Minister for Foreign Affairs circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 19 October 1998 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I refer to our previous letters addressed to the Security Council and to the Secretary-General of the United Nations on 28 April 1995, 30 August 1995, 28 March 1996, 10 September 1996, 22 September 1996, 4 November 1996, 14 July 1997, 16 November 1997, 22 May 1998, 19 June 1998, 21 July 1998 and 11 August 1998.

The Government of the Republic of Iraq would like to call your attention once again to the grave situation which threatens peace and security in our region and is the result of actions and behaviour involving the continued use of force by the United States Government against Iraq's sovereignty, national security, territorial integrity and political independence.

With this letter, we should like to draw the Council's attention to some of the illegal actions and behaviour of the United States of America which constitute flagrant and deplorable violations of the Charter of the United Nations and of every norm of international law. The details are as follows:

1. On 27 November 1991, the United States Government took a unilateral, illegal, and illegitimate decision to impose a no-fly zone in northern Iraq. The United States Government also used and continues to use brute force to perpetuate the imposition of its illegal and illegitimate decision on Iraq, despite the fact that it has received no authorization for that purpose from the Security Council.

This fact has been confirmed by the permanent members of the Security Council and by the Secretary-General of the United Nations. Furthermore, the provisions of resolution 687 (1991) relate to a total cessation of military hostilities, whereby, pursuant to paragraph 34 of that resolution, any resumption of hostilities must be referred to the Security Council and receive its approval, subject to a number of restrictions. For that reason, the measure imposed by the United States of America is illegal and totally lacking in legitimacy.

Following the imposition of this measure, since June 1991, United States aircraft have continued to carry out hostile sorties which violate Iraq's sovereignty and threaten both Iraq's safety and security and the safety and security of its people. Between 28 June 1991 and 30 June 1998, there have been 41,972 violations of Iraq's airspace by United States aircraft.

2. On 27 August 1992, the United States Government took another unilateral, illegal and illegitimate decision and imposed a no-fly zone in southern Iraq. It was clear that the United States of America had taken this second initiative to complete the act of aggression that it had begun in northern Iraq. In August 1992, United States warplanes began a series of hostile and provocative overflights of the airspace over southern Iraq, with the total number of violations as of 30 June 1998 standing at 124,215. This offers clear evidence

of the frequency, magnitude and gravity of these acts of aggression. These grave acts of aggression by the United States of America, which threaten Iraq's sovereignty, security, territorial integrity and political independence, have inflicted and continue to inflict material, moral, psychological and physical damage upon the people of Iraq.

3. On 17 January 1993, United States warships in the waters of the Arab Gulf and the Red Sea launched over forty Tomahawk (Cruise) missiles at Baghdad. One of these missiles damaged the Al-Rashid Hotel in central Baghdad, while the others struck a State industrial installation in southern Baghdad, as well as air defence positions in southern Iraq. The feeble excuse given was that Iraq had prevented the Special Commission from using aircraft for transportation purposes. The missile attack caused civilian fatalities and material damage.

4. On 27 June 1993, United States warships in the Arab Gulf and the Red Sea again launched twenty-three Tomahawk (Cruise) missiles against the capital, Baghdad, striking two city districts, namely, Mansour and Ma'moun. Both these districts are populated by civilians. This time, the excuse fabricated by the United States Government was that the Iraqi intelligence services had attempted to assassinate former United States President George Bush. This act of aggression by the United States of America caused several fatalities among innocent civilians and considerable material damage.

5. On 28 August 1995, the official spokesman for the United States Secretary of State said that the United States would pursue its efforts to change the political regime in Iraq and that the United States of America would continue to bring pressure to bear on the Iraqi Government until a Government favourable to the United States was installed.

This official statement confirmed the role played by the United States Government in covert operations undertaken by the Central Intelligence Agency to change the national regime in Iraq. All such efforts have failed, because the Iraqi people have rallied around their national leadership, defending Iraq's sovereignty, security and territorial integrity and combating all acts of aggression carried out by the United States of America with a view to undermining our national unity (see S/1995/752).

6. On 6 February 1996, the then United States Secretary of State for Defence, Mr. William Perry, gave a lecture at the Washington Institute for Near East Policy, in which he said: "I think there are things that we and other nations of the region can do to accelerate the demise of the present regime in Iraq."

7. In August 1996, when Iraq was defending its territorial sovereignty, Iraqi armed forces launched an operation to oust foreign infiltrators from northern Iraq. The Iraqi Government took this action consistent with its responsibility to defend and protect the people of northern Iraq against foreign aggression. Every State is guaranteed the right, under international covenants and pursuant to the norms and provisions of international law, to afford its citizens protection against foreign intrusion. Following this incident, the United States Administration launched missiles against Iraqi territory, causing the deaths of innocent civilians and damaging several national installations.

We were extremely surprised and outraged to hear the President of the United States, Mr. Clinton, justifying his act of aggression against Iraq as punishment of the Iraqi leadership: this, despite the fact that Iraq had been operating inside its own territory. He also stated without any sense of embarrassment, that the action taken by the Iraqi Government had posed a threat to its neighbours and to the interests of the United States of America.

8. On 3 September 1996, immediately after the events referred to in paragraph 7, the President of the United States announced that his country had decided to extend the no-fly zone in southern Iraq from latitude 32° N to latitude 33° N. Notwithstanding the deceit and shameful justification employed to that end, the aggressive persistence of the United States in extending that zone was even rejected by one of its allies, which opposed it (see document S/1996/711).

9. After the United States conspiracy engineered by the United States Central Intelligence Agency (CIA) in northern Iraq and aimed at disrupting the security of Iraq and the unity of its people was revealed, President Clinton proclaimed on 9 September 1996 that the United States of America was doing its utmost to help those who worked with it in Iraq to escape from that country and to help anybody who needed to be outside Iraq. The President of the United States was also candid about his country's interference in Iraq's internal affairs, saying that its power to control those affairs was limited, but that it had nevertheless done what it believed to be important. He said that what it had done was to extend and strengthen the no-fly zone and to strike air defences, meaning that every day President Saddam Hussein had to pay the price for his ability to manoeuvre inside his country. He also added that the United States had taken what it believed to be appropriate action in that respect (see S/1996/229).

10. On 26 March 1997, Madeleine Albright, the United States Secretary of State, gave a lecture at Georgetown University in which she emphasized that, since August 1990, the United States Government had used the Security Council, together with its mechanisms and bodies, as a cover to achieve its own aims in the region, primarily interference in the internal affairs of Iraq. She said that any change in the Government of Iraq was likely to lead to change in the United States policy; if that happened, the United States would be ready to enter swiftly into dialogue with the succeeding regime.

11. On 26 June 1997, under the title "How the CIA's War on Saddam Hussein Collapsed", The Washington Post reported statements made by Warren Marik, a CIA officer, to one of its correspondents in which he said that he had done everything he could think of and everything he was permitted to do in order to overthrow President Saddam Hussein. He added that he had organized flights of unmanned aircraft over Baghdad to drop leaflets hostile to Iraq and arranged military training and arms supplies for rebel gangs in northern Iraq. He had also spent millions of dollars organizing inflammatory information, radio and television campaigns against the national political regime in Iraq that called for the use of all means, including arms and money, to separate northern Iraq from the rest of Iraqi territory. Marik further indicated that he had recruited agents to work for the CIA, as well as various groups of agents and mercenaries, with the aim of organizing an armed attack on Iraqi State institutions. Having

acknowledged that vast sums of money amounting to at least $100 million were swallowed up by these efforts, Warren Marik similarly acknowledged the role played by the United States Senate Intelligence Committee with a view to mounting a covert action against the legitimate authority in Iraq and devising a hostile programme to topple Iraq's national regime. Marik says that he and his group were running a political agenda in northern Iraq with the ultimate aim of diminishing the national authority in Iraq and confining it to the city of Baghdad, as the CIA had previously done in Afghanistan and against the former Soviet Union during the cold war (see S/1997/548).

12. On 14 November 1997, President Clinton of the United States announced to reporters in the White House that he had decided to send the aircraft carrier George Washington to the Gulf region as part of the United States military preparations for renewed aggression against Iraq.

13. On 14 November 1997, Agence France-Presse in Washington reported that the President of the United States had once again stated that the economic sanctions imposed on Iraq would remain in place as long as President Saddam Hussein was in power. The assertion of President Clinton that the sanctions imposed on Iraq will be maintained as long as the national regime in Iraq, headed by President Saddam Hussein, remains in place simply confirms that Iraq's complaints with regard to the United States policy towards it, as exemplified by continuation of the unjust embargo against Iraq, despite its compliance with the relevant Security Council resolutions, are just, true and well-founded. The only conclusion to be drawn from these official United States statements is that the sanctions imposed on Iraq were designed from the outset and have been maintained thus far in order to achieve that illegitimate political objective of the United States and not, as claimed, to guarantee implementation of the relevant Security Council resolutions (see S/1997/900).

14. On 5 March 1998, Madeleine Albright, the United States Secretary of State, said in a meeting of the Foreign Relations Committee in the United States Congress that the United States would continue to impose the two aerial exclusion zones and insist on maintaining sanctions against Iraq.

15. In May 1998, the Turkish weekly newspaper Aydinlik reported statements made by Richard Perle, the former United States Assistant Secretary of Defense, in which he affirmed the political goals of the United States of America and its hostile intentions against Iraq, saying that the regime of Saddam Hussein must be changed. He also declared United States support for the establishment of an alternative to the national regime in Iraq and called for action against President Saddam Hussein and for his earliest possible elimination. This United States official also called for the recognition of a puppet Iraqi Government installed by the United States Administration, adding that only in that case would the embargo be lifted from what he called the areas outside the control of President Saddam Hussein. Moreover, only then would their independence be declared, their economy strengthened and their oil pumped to international markets. The former United States Assistant Secretary of Defense also affirmed the declared policy of the United States relating to the unjust embargo imposed against Iraq by stating that it must stand, even though it was not enough to resolve the problem, and that the United States was continuing the policy of isolation and maintenance of the embargo. He added that the shortest cut to

lifting the embargo would be to eliminate President Saddam Hussein as soon as possible and said that if Saddam Hussein's reign continued, the embargo policy would be maintained as a means of pressure.

16. On 18 June 1998, Reuters news agency published a report sent by its correspondent Carlo Giacomo from a symposium held by Martin Indyk, the United States Assistant Secretary of State, with reporters in Washington, in which he said that the United States was engaged in efforts to help them and organize their case against Saddam Hussein. He added that 73 opposition groups had been formed outside Iraq and that the United States was standing behind them with assistance. The Reuters agency report also stated that the United States Congress had approved the allocation of $5 million to fund the so-called Free Iraq Radio in order to transmit programmes hostile to Iraq in the Arabic language. Republican members of the United States Congress also proposed spending a further $33 million on funding United States intelligence agents to overthrow the Government of the Republic of Iraq.

17. On 27 June 1998, President Clinton affirmed the policy of the United States Administration to overthrow the national regime in Iraq and said that, on 1 May 1998, he had signed the Credits Act of 1998 to provide funding for Radio Free Europe to commence broadcasting that was hostile to Iraq. He added that this Credits Act would provide material backing for the efforts of CIA agents working to change the political regime in Iraq.

18. On 4 July 1998, the United States Secretary of State asserted that the United States would not halt its efforts to achieve the aim of changing the regime in Iraq.

19. On Monday 3 August 1998 the White House announced that the United States Administration was endeavouring to overthrow the existing regime in Iraq, and that it was coordinating to that end with those it called the Iraqi opposition. P. J. Crowley, a presidential spokesman, said the Administration was looking forward to having a new Government in Iraq, and that at present it was trying to see how it could most effectively use the resources placed at its disposal by Congress for working with the Iraqi opposition.

20. On 3 August 1998 The Washington Post published excerpts from a report submitted to Congress that included what it called a United States plan for the overthrow of the existing regime in Iraq. This report makes it quite clear that the United States Congress is also involved in the dubious plan that the Administration is endeavouring to implement against Iraq (see S/1998/742).

21. On 29 September 1998 the United States Senate approved draft legislation permitting the Administration to spend US$ 97 million on supplies of weapons and military matériel with a view to changing the national regime in Iraq, and a further US$ 2 million on United States media services in order to broadcast radio and television programmes hostile to Iraq. It was also announced that the President of the United States had used his authority to provide what was termed humanitarian assistance to the areas outside the control of the central Iraqi Government.

News agencies reported statements made by Senator Trent Lott, leader of the Republican majority in the United States Senate, to the effect that Congress would support a new policy towards Iraq: a policy that would openly use United States political and military endeavours with a view to changing the Saddam Hussein regime. Lott also said that United States interests in the Middle East could not be protected while Saddam Hussein remained in power, and that the project was considered as a new effort by the United States to replace the Iraqi President and a major plot in the final chapter of the Gulf War.

The principles and provisions of international norms and conventions provide the basis and legal framework for the relations between States. Respect for such principles, foremost amongst which are the principles of respect for the sovereignty of States, non-interference in their internal affairs and the duty not to undermine the security and stability of any State, must necessarily increase international peace and security. This has been affirmed in the Charter of the United Nations, in particular in Article 1, paragraphs 1 and 2, and Article 2, paragraphs 4 and 7.

General Assembly resolution 2625 (XXV) of 24 October 1970, containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, proclaims the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations.

The Declaration also proclaims that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.

The principles include the duty not to intervene in matters within the domestic jurisdiction of any State. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

Numerous Security Council resolutions on Iraq have affirmed the obligation of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq.

The Republic of Iraq, in bringing to your attention these threatening and unlawful United States actions, requests the Security Council to discuss this question in a serious and responsible manner, in accordance with the provisions of the Charter and of international law, and to bring to an end such dangerous behaviour on the part of the United States, which threatens not only the security and sovereignty of Iraq and its people, but also international peace and security. The United States of America must bear international responsibility and incur the penalties for these unlawful actions.

Should the Security Council delay taking measures in accordance with the Charter of the United Nations and international law in order to curb the United

States Government, this would amount to a dereliction of its responsibilities, and mean that the United States will continue to implement the dangerous and hostile policies that threaten the security and integrity of Iraq. This in turn will completely destroy the credibility of the Security Council and the United Nations.

While awaiting action on your part, I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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ORIGINAL: ENGLISH

LETTER DATED 14 OCTOBER 1998 FROM THE SECRETARY-GENERAL TO THE PRESIDENT OF THE SECURITY COUNCIL

As you will recall, in your statement to the press on 6 October 1998 on behalf of the Security Council, you asked me to consider how to ensure that the Secretariat had a first-hand capability to assess developments on the ground, and to continue reporting to the Council on compliance with its resolutions 1160 (1998) and 1199 (1998).

Following consultations with the authorities of the Federal Republic of Yugoslavia, I wish to inform the Security Council of my intention to send an interdepartmental mission, headed by Staffan de Mistura, to the Federal Republic of Yugoslavia to look into these matters. In view of the proposed deployment of Organization for Security and Cooperation in Europe (OSCE) monitors in Kosovo to observe compliance, the mission will also assess possible modalities for coordination of activities between OSCE and United Nations agencies on the ground.

(Signed) Kofi A. ANNAN

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19 October 1998

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LETTER DATED 19 OCTOBER 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 14 October 1998 (S/1998/966) concerning your intention to send an interdepartmental mission, headed by Staffan de Mistura, to the Federal Republic of Yugoslavia has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Jeremy GREENSTOCK
President of the Security Council

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